

CALIFORNIA COASTAL COMMISSION

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Wed-23

October 11, 2006

TO: Coastal Commissioners and Interested Public

FROM: Peter M. Douglas, Executive Director
 Sarah Christie, Legislative Coordinator

SUBJECT: LEGISLATIVE REPORT FOR OCTOBER 2006

CONTENTS: This report provides summaries and status of bills that affect the Coastal Commission and California's Coastal Program as well as bills that staff has identified as coastal-related legislation.

Note: Information contained in this report is accurate as of 10/05/06. Changes in the status of some bills may have occurred between the date this report was prepared and the presentation date. Current status of any bill may be checked by visiting the California Senate Homepage at www.sen.ca.gov. This report can also be accessed through the Commission's World Wide Web Homepage at www.coastal.ca.gov

Legislative Calendar

*Some deadlines may be waived by a majority vote of the Rules Committee

Jan. 1	Statutes take effect
Jan. 4	Legislature reconvenes
Jan. 10	Budget must be submitted by Governor
Jan. 13	Last day for policy committees to hear and report to Fiscal Committees
Jan. 20	Last day for any committee to hear and report 2005 bills introduced in their house
Jan. 27	Last day to submit bill requests to Office of Legislative Counsel
Jan. 31	Last day for each house to pass 2005 bills introduced in their house
Feb. 24	Last day for bills to be introduced
Apr. 6	Spring Recess begins
Apr. 17	Legislature reconvenes
May 19	Last day for policy committees to meet prior to June 5
May 26	Last day for Fiscal Committees to hear and report 2005 bills introduced in their house
May 26	Last day for Fiscal Committees to meet prior to June 5
May 30	Through June 2—Floor Session only. No committees may meet
June 2	Last day for bills to be passed out of house of origin
June 5	Committee meetings may resume
June 15	Budget must be passed by midnight
June 29	Last day for a legislative measure to qualify for the general election ballot
June 30	Last day for policy committees to meet and report bills
July 7	Summer Recess begins at the end of session if Budget Bill has been enacted
Aug. 7	Legislature reconvenes
Aug. 18	Last day for Fiscal Committees to meet and report bills to the Floor
Aug. 25	Last day to amend bills on the Floor
Aug. 31	Last day for each house to pass bills. Final Recess begins at end of session
Sept. 30	Last day for Governor to sign or veto bills passed by the Legislature before Sept. 1

PRIORITY LEGISLATION

AB 32 (Nunez) Air Pollution: greenhouse gases: California Global Warming Solutions Act of 2006

This bill would require the California Air Resources Board (ARB) to adopt procedures and protocols by 2008 to reduce greenhouse gas emission to 2000 levels by 2010, and to 1990 levels by 2020. The bill would require the ARB to provide an annual report to the Governor and the Legislature on the progress of greenhouse gas emissions, develop compliance and enforcement procedures, and coordinate with state agencies to implement green house gas reduction standards.

Introduced 12/06/04
Last Amended 08/30/06
Status **Filed by Secretary of State, Chapter 448, Statutes of 2006**
Commission Position: **Support**

AB 392 (Chan) Coastal zone drilling: leases

This bill would have prohibited the State Lands Commission, notwithstanding any other provision of law, from issuing any new leases for slant or directional drilling activities on state tidelands, including from lands owned by the federal government.

Introduced 2/11/05
Last Amended 08/30/06
Status Failed passage, Senate Natural Resources Committee

AB 782 (Mullin) Redevelopment: project area

This bill would amend the Health and Safety Code to eliminate antiquated subdivisions as a criterion for declaring “blight” in a redevelopment area.

Introduced 02/18/05
Last Amended 01/04/06
Status **Filed by Secretary of State, Chapter 113, Statutes of 2006**

AB 1204 (Laird) Parks: Monterey Peninsula Regional Park District: transfer

This bill would authorize the Department of Parks and Recreation to transfer 130 acres of land near Carmel-By-The-Sea formerly known as the Hatton Canyon Bypass, to the Monterey Regional Park District for use as a public park.

Introduced 02/22/05
Last Amended 08/15/05
Status Failed passage in Assembly concurrence with Senate amendments

AB 1632 (Blakeslee) Energy: planning and forecasting

This bill would require the Energy Commission to conduct seismic safety assessments of electrical generation facilities over 1700 Megawatts. It would also require the Commission to assess the state and local costs of storing spent nuclear waste onsite, and include the assessment in its 2008 energy policy review.

Introduced 02/22/05
Last Amended 06/27/06
Status **Filed by Secretary of State, Chapter 722, Statutes of 2006**
Commission Position: **Support**

AB 1803 (Committee on Budget) Public Resources

This budget trailer bill, in relevant part, directs the Commission to report annually to the Legislature on the acceptance of OTDs. It also establishes the Coastal Wetlands Account to provide funding for the restoration and management of coastal wetlands statewide.

Introduced	01/10/06
Last Amended	06/27/06
Status	Filed by Secretary of State, Chapter 77, Statutes of 2006

AB 1940 (Koretz) Environment: marine debris

This bill would add Section 30327 to the Public Resources Code, directing the Coastal Commission to take additional steps, within its existing resources, to address marine debris. These additional steps include but are not limited to the following: Increase public outreach and educations; Coordinate with public agencies, including local governments, to reduce marine debris; Convene a multi-agency task force for the purpose of implementing a statewide effort to reduce marine debris. As amended on 6/14, the bill would require the state and regional water boards to implement best management practices for the control of plastic pellets, powder pellets, and fragments into waters of the state.

Introduced	02/01/06
Last Amended	06/14/06
Status	Senate Appropriations Committee
Position	Support if Amended

AB 2299 (Harman) California Coastal Act: Aquaculture

This bill would amend Section 30411 of the Coastal Act relating to the requirement for the Department of Fish and Game to prepare a programmatic EIR for existing and potential aquaculture operations. The bill would specify that any private industry funds expended for preparation of the report prior to 2007, including in-kind contributions and materials, would count as matching funds, and would appropriate \$300,000 from the general fund to complete the EIR. Note: This section has been repealed by SB 201 (Simitian).

Introduced	02/22/06
Last Amended	04/27/06
Status	Assembly Appropriations Committee. Held under submission.

AB 2348 (Laird) Flood control: Pajaro River

This bill would authorize the state to provide funding to the counties of Monterey and Santa Cruz, or to local agencies within those counties, for a flood control project on the Pajaro River.

Introduced	02/23/06
Last Amended	05/26/06
Status	Filed by Secretary of State, Chapter 113, Statutes of 2006

AB 2485 (Jones) Fish and Game: sea otters

This bill would state the Legislature's intent to establishment a research program focusing on how to reduce sea otter mortality from point and nonpoint pollution sources; develop treatment technologies for dealing with pathogen related and other diseases in sea otters; increase the fine for the illegal take of a sea otter to \$25,000; impose civil penalties for the discharge of any material into state waters that harm marine mammals; require any cat litter products sold in the state to contain packaging information directing users to dispose of cat litter responsibly; establish within the State Treasury a Sea Otter Protection Fund, and direct the Franchise Tax Board to provide for a voluntary contribution check-off for taxpayers to allocate a portion of their tax returns to the Fund.

Introduced	02/24/06
Last Amended	08/22/06
Status	Filed by Secretary of State, Chapter 354, Statutes of 2006

AB 2641 (Coto) Indian burial grounds

This bill would require landowners whose property contains Native American burial sites as defined in the bill, to consult with the "most likely descendents" when a burial site is discovered, and ensure that no further disturbance of the site take place until consultation is complete. The consultation shall include recommendations to the land owners from the most likely descendents on culturally appropriate methods to protect the site and the remains. The bill would also require that the Native American Heritage Commission make the final determination in the case of disputes regarding the determination of the existence of a burial ground.

Introduced	02/24/06
Last Amended	04/20/06
Status	Senate Appropriations Committee

AB 2701 (Blakeslee) San Luis Obispo County

This bill would authorize the County of San Luis Obispo to undertake any efforts necessary to design, construct, and operate a wastewater collection and treatment system to service the community of Los Osos, which would otherwise be provided by the Community Services District. The County may impose and collect fees and charges to cover costs. The bill would also require the Board of Supervisors of San Luis Obispo County to prepare and submit a proposed assessment to pay for the facilities, and proceed with construction of the project. The district would retain the powers to provide all other services within their jurisdiction. After a minimum of 3 years and when the district and the county mutually apply for, and are granted, a modification to the waste discharge permit issued by the Regional Water Quality Control Board, responsibilities shall be transferred back to the district.

Introduced	02/24/06
Last Amended	08/17/06
Status	Filed by Secretary of State, Chapter 360, Statutes of 2006
Commission position:	Support

AB 2838 (Pavley) Coastal environment vehicle mitigation program

This bill would authorize 20 coastal and Bay Area counties to raise vehicle registration fees up to \$6 to fund clean water projects and other environmental programs and acquisitions to mitigate the impacts of vehicle traffic and associated pollution, through 2020.

Introduced	02/24/06
Last Amended	08/07/06
Status	Enrolled

AB 2852 (Nava) Tsunami hazard mitigation

This bill would direct establish the California Tsunami Steering Committee, within the Office of Emergency Services. The steering Committee would include representatives of several state agencies, including the California Coastal Commission, as well as representatives from coastal counties and ports. The steering committee would guide statewide tsunami planning, mitigation and preparedness activities as prescribed by the bill.

Introduced	02/24/06
Last Amended	04/27/06
Status	Assembly Appropriations Committee

AB 2930 (Laird) Property dedications: agricultural and open space easements

This bill would require the State Coastal Conservancy to accept any Offer to Dedicate a conservation or open space easement within 90 days of its expiration date, if no other accepting entity can be found. This bill would also exempt the SCC acceptance process from General Services review.

Introduced	02/24/06
Last Amended	06/22/06
Status	Senate Appropriations
Commission Position	Support

AB 2972 (Nava) Oil and gas leases

This bill would require the State Lands Commission to declare an application for an oil or gas lease on state lands to be considered to be withdrawn if that application remains incomplete for a period of one year after the first incomplete notice has been sent to the applicant.

Introduced	02/24/06
Last Amended	04/25/06
Status	Filed by Secretary of State, Chapter 298, Statutes of 2006

AB 3028 (Laird) California Coastal Trail

This bill would authorize any state agency issuing a grant or a permit to a public agency for a project near the California Coastal Trail (CCT) to condition the funding or the permit on the requirement to accommodate public access to, from and along the California Coastal Trail.

Introduced	02/24/06
Last Amended	08/24/06
Status	Vetoed: Message follows

To the Members of the California State Assembly:

I am returning Assembly Bill 3028 without my signature.

While I strongly support the California Coastal Trail, I am concerned that this bill would give permitting agencies excessive authority over conditions on projects by requiring incompatible uses in an effort to accommodate the trail. In most cases, land held by public agencies is held in trust for specific purposes and decisions regarding use of those properties should not be left solely to state permitting agencies.

I do support the development of the trail and the planning aspects of the bill. I encourage the author to work with the Resources and the Business, Transportation, and Housing Agencies to develop legislation that addresses the planning and development of the trail at the regional and state level.

Once a comprehensive plan is in place, lawmakers can address methods for acquiring property and providing access to the trail.

For these reasons, I am unable to sign this bill.

*Sincerely,
Arnold Schwarzenegger*

AB 3031 (Houston) Seismic retrofit projects

This bill would exempt Caltrans seismic retrofit projects from certain provisions of CEQA for seismic retrofit and replacement activities on two Oakland bridge projects.

Introduced	02/24/06
Last Amended	04/19/06
Status	Assembly Appropriations Committee

SR 20 (Florez) Relative to tribal gaming

This resolution would require the Senate to adopt a new rule prohibiting the ratification of Indian gaming compacts that authorize Indian casinos on non-tribal lands. The rule would have exempted any compacts that have been negotiated and executed by the Governor prior to September 30, 2005, thus allowing the relocation of the Big Lagoon Rancheria in Humboldt County to the City of Barstow. Committee amendments on 2/28 removed the exemption for Big Lagoon, but the resolution failed passage.

Introduced	01/04/06
Last Amended	02/28/06
Status	Senate Governmental Organization Committee

SB 53 (Kehoe) Redevelopment

This bill would require redevelopment agencies to prepare a redevelopment plan to include a description of the agencies plan to acquire real property, including any prohibitions on the use of eminent domain. It would also require redevelopment authorities to make findings that an area contains significant blight that cannot be eliminated without the use of eminent domain before exercising the right to condemn private property.

Introduced	01/10/05
Last Amended	08/07/06
Status	Filed by Secretary of State, Chapter 591, Statutes of 2006

SB 153 (Chesbro) California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2006

This bill would authorize \$3,945,000,000 in General Obligation bonds for the purpose of financing the acquisition, development and preservation of parks, coastal, recreational, cultural and agricultural lands, and other clean air and water projects as specified. The Senate Natural Resources Committee report to the Conference Committee includes \$10 million for grants to local governments for LCP updates, \$250 million for the State Coastal Conservancy for coastal projects and acquisitions, \$100 million for the Ocean Protection Council for grants, \$350 million for the Wildlife Conservation Board for habitat acquisitions, and \$100 million for easements for “working landscapes.” No specific projects or acquisitions are enumerated.

Introduced	02/15/05
Last Amended	08/24/06
Status	Assembly Appropriations Committee.

SB 168 (Chesbro) Tribal gaming: compact ratification

This bill would ratify a tribal gaming compact between the State of California, the Big Lagoon Rancheria and the Los Coyotes Band of Cahuilla and Cupena Indians to allow the transfer of rights to develop a casino at Big Lagoon in Humboldt County, to an urban site in the City of Barstow.

Introduced 02/08/05

Last Amended 04/25/06

Status Assembly Governmental Organization Committee. Failed passage.

Commission Position Support

SB 201 (Simitian) Marine finfish aquaculture: Sustainable Oceans Act

This bill would prohibit any person from engaging in finfish aquaculture without a permit from the Fish and Game Commission. It would also require that a final programmatic EIR prepared for a coastal marine finfish aquaculture project and approved by the Fish and Game Commission includes an analysis of specific impacts, and that it ensures that marine finfish aquaculture is managed in an environmentally sustainable manner. The bill would set specific standards for finfish aquaculture leases, including monitoring requirements and management practices. The bill limits finfish aquaculture to species native to California. This bill deletes Section 30411 (c) from the Coastal Act, which requires the Department of Fish and Game to prepare a programmatic EIR for existing and potential commercial aquaculture operations, and incorporates that requirement into the new standards.

Introduced 02/22/05

Last Amended 04/17/06

Status **Filed by Secretary of State, Chapter 36, Statutes of 2006**

SB 426 (Simitian) Renewable energy

This bill would require the California Energy Commission to conduct a statewide needs assessment that analyzes the state's projected need for natural gas, including Liquefied Natural Gas, as part of a public process. This bill would also require the Energy Commission, in consultation with the Coastal Commission and other state agencies, to conduct a comparative analysis of the currently proposed sites to assess their relative merits as they relate to public health, environmental constraints and other impacts. Recent amendments clarify that the Federal Energy Bill of 2005 does not abrogate the State's property rights with respect to LNG facilities, and sets specific findings that must be made in furtherance of the Federal Deepwater Port Act of 1974 that would apply to the Governor's decision to disapprove a license to construct an LNG application.

Introduced 02/17/05

Last Amended 08/24/06

Status Assembly. Utilities and Commerce Committee.

Commission Position Support

SB 497 (Simitian) State energy resources

This bill would require the State Lands Commission to adopt regulations establishing performance standards for the discharge of ballast water by January 2008.

Introduced 02/18/05

Last Amended 08/07/06

Status **Filed by Secretary of State, Chapter 292, Statutes of 2006**

SB 1003 (Escutia) Liquefied natural gas

This bill would designate the California Energy Commission as the only state agency with permitting authority over Liquefied Natural Gas (LNG) terminals in California. This bill is double-joined with SB 426 (Simitian).

Introduced 02/15/05
Last Amended 07/13/05
Status Assembly Appropriations Committee.
Commission Position Neutral

SB 1024 (Perata) Public works and improvements: bond measure

This bill would enact the Safe Facilities, Improved Mobility, and Clean Air Bond Act of 2005 to authorize an unspecified amount in state general obligation bonds for specified purposes, including the state transportation improvement program, passenger rail improvements, levee improvements, flood control, port infrastructure and security projects, trade corridors of significance, emissions reduction projects, environmental enhancement projects, transit-oriented development, transportation needs in cities, counties, and housing, regional growth, and infill development purposes, subject to voter approval. This bill would require the Secretary of State to submit the proposed bond measure to the voters at the November 7, 2006 election.

Introduced 02/22/05
Last Amended 01/26/06
Status In Assembly

SB 1125 (Chesbro) Natural resources: funding

This bill would repeal the sunset date of July 1, 2006, in PRC Section 6217 relating to allocation of state tideland funds from the State Lands Commission. The bill would specify the amount of funds allocated to each of the several accounts in the following priority: \$10 million to the Salmon and Steelhead Restoration Account, \$5 million to the new Coastal Wetlands Account, \$10 million to the Marine Life and Marine Reserve Management Account, \$10 million to the Nongame fish and Wildlife Account, \$10 million to the State Parks Deferred Maintenance Account, and \$5 million to the new Wetlands and Riparian Habitat Conservation Account. *Proposed amendments would add \$1 million for the Coastal Commission.*

Introduced 01/09/06
Last Amended 08/07/06
Status Assembly Appropriations Committee
Commission Position: Support

SB 1434 (Kuehl) Ocean Protection

This bill would authorize the Ocean Protection Council to hire a science advisor and an executive policy officer.

Introduced 02/22/05
Last Amended 03/27/06
Status Senate Appropriations Committee

SB 1494 (McClintock) Transportation

This bill would authorize the commission to designate transportation projects of statewide significance as top priority projects. The bill would exempt these projects from the California Environmental Quality Act, and would authorize the Department of Transportation or other implementing agency to use design-build and design-sequencing procedures for the project, notwithstanding any other provision of law.

Introduced 02/23/06
Status Senate Transportation and Housing Committee. Held in Committee.

SB 1650 (Kehoe) Eminent Domain

This bill would require that any public agency exercising eminent domain authority may only use such property for the use stated in its original resolution of necessity and approved by a vote of 2/3 of the body. This bill would also require that any real property acquired through eminent domain that has not been used for its stated purpose within a period of 10 years must be sold to the owner from whom it was acquired unless authorized for another use or reauthorized for its original use by a 2/3 vote of the agency.

Introduced 02/24/05
Last Amended 08/07/06
Status **Filed by Secretary of State, Chapter 602, Statutes of 2006**

SB 1800 (Duchenev) General Plan: housing plans

This bill would require local governments, when updating their housing element, to also prepare a “housing opportunity plan” as defined by the bill. Among other requirements, Housing Opportunity Plans must contain zoning to accommodate projected housing needs for low and very low income residents for a period of 10 years. The bill also establishes the Housing Planning Trust Fund to offer loans to local governments for plan preparation, to be administered by the Department of Housing and Community Development. The program would be funded by an unspecified fee increase on local building permits.

Introduced 02/24/06
Last Amended 05/23/06
Status Senate Transportation and Housing Committee

SB 1843 (Committee on Natural Resources) California Coastal Act

This bill would make technical, non-substantive changes to the Coastal Act, delete obsolete sections, and make other conforming changes to the statute. This bill would also authorize the Commission to process a consolidated permit application for projects which span two jurisdictions split between the Coastal Commission and a local government, when requested to do so by both the local government and the applicant, and approved by the Commission’s Executive Director.

Introduced 02/07/06
Last Amended 08/07/06
Status **Filed by Secretary of State, Chapter 294, Statutes of 2006**
Commission Position: Support

SB 1845 (Kuehl) Ocean Protection Council

This bill would authorize the Governor to appoint two public members to the Ocean Protection Council, for a term of four years. Appointments will be based on the appointees educational and professional qualifications and experience in protection and conservation of coastal waters or ocean ecosystems. One of the members must have a professional scientific background in coastal and ocean ecosystems.

Introduced	03/07/06
Last Amended	08/10/06
Status	Filed by Secretary of State, Chapter 295, Statutes of 2006

Please contact Sarah Christie, Legislative Coordinator, at (916) 445-6067 with any questions on material contained in this report.